



XTO--Van Houten Affidavit ISO Reply ISO MSJ Against StarStone.pdf

DocVerify ID: 6C8E82ED-A990-4567-A62F-F9FBD3473086

Created: June 10, 2020 05:50:43 -8:00

Pages: 3

Remote Notary: Yes / State: TX

This document is a DocVerify VeriVaulted protected version of the document named above. It was created by a notary or on the behalf of a notary, and it is also a DocVerify E-Sign document, which means this document was created for the purposes of Electronic Signatures and/or Electronic Notary. Tampered or altered documents can be easily verified and validated with the DocVerify veriCheck system. This remote online notarization involved the use of communication technology.

Go to www.docverify.com at any time to verify or validate the authenticity and integrity of this or any other DocVerify VeriVaulted document.

E-Signature Summary

E-Signature 1: Greg Van Houten (GVH)

June 10, 2020 06:00:49 -8:00 [82E34EB50470] [38.122.13.206]
greg.vanhouten@haynesboone.com (Principal) (Personally Known)

E-Signature Notary: Tiffany Thrasher (TNT)

June 10, 2020 06:00:49 -8:00 [D2E0851B6CCF] [4.16.235.6]
tiffany.thrasher@haynesboone.com
I, Tiffany Thrasher, did witness the participants named above electronically
sign this document.



DocVerify documents cannot be altered or tampered with in any way once they are protected by the DocVerify VeriVault System. Best viewed with Adobe Reader or Adobe Acrobat. All visible electronic signatures contained in this document are symbolic representations of the persons signature, and not intended to be an accurate depiction of the persons actual signature as defined by various Acts and/or Laws.



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

BERKLEY NATIONAL INSURANCE
COMPANY,

Plaintiff,

V.

XTO ENERGY, INC.

*Defendant, Counter-Plaintiff and
Third-Party Plaintiff,*

V.

COMMERCE AND INDUSTRY
INSURANCE COMPANY, TORUS
NATIONAL INSURANCE COMPANY
n/k/a STARSTONE NATIONAL
INSURANCE COMPANY, and SENECA
SPECIALTY INSURANCE COMPANY,

Third-Party Defendants.

AFFIDAVIT OF GREG VAN HOUTEN

BEFORE ME, the undersigned Notary Public, on this day personally appeared Greg Van Houten, known to me to be the person whose name is subscribed below, who being duly sworn, deposed and stated as follows:

1. My name is Greg Van Houten. I am over twenty-one years of age, have never been convicted of a felony, and am fully competent to testify to the matters set forth in this affidavit. The facts contained in this affidavit are based on my personal knowledge and are true and correct. I am an associate at the law firm of Haynes and Boone, LLP and serve as counsel for XTO Energy Inc. (“XTO”) in the above-entitled and numbered matter (the “Lawsuit”).



2. Attached hereto as Exhibit A is a true and correct copy of the “Drilling Contract Between Vastar Resources, Inc. and R&B Falcon Drilling Co.,” dated December 9, 1998. Notably, that Drilling Contract is the Drilling Contract that is referenced, analyzed, and referred to in the case captioned, *In re Deepwater Horizon*, 470 S.W.3d 452 (Tex. 2015). Indeed, footnote 4 in the opinion remarks that the operative “Drilling Contract was executed on December 9, 1998, between Vastar Resources Inc. (BP’s predecessor) and R&B Falcon Drilling Co. (Transocean’s predecessor).” *See id.* at 473, n.4. Although the Drilling Contract was referred to throughout the opinion and attached to the parties’ briefing, it was submitted under seal, and is not readily available on WestLaw, LexisNexis, or otherwise. However, Transocean Ltd. attached the Drilling Contract as Exhibit 10.1 to its Form 10-Q, submitted to the United States Securities and Exchange Commission, on June 30, 2010. The document is publicly available at: https://www.sec.gov/Archives/edgar/data/1451505/000145150510000069/exhibit10_1.htm

3. Attached hereto as Exhibit B is a true and correct copy of the “Master Service Agreement” executed between Endeavor Energy Resources, L.P. and Basic Energy Services, L.P. on June 18, 2009. That Master Service Agreement (“MSA”) is the MSA that was analyzed in the case captioned, *Ironshore Specialty Ins. Co. v. Aspen Underwriting, Ltd.*, 788 F.3d 456 (5th Cir. 2015). The MSA was attached as Exhibit 2 to Plaintiff Ironshore Specialty Insurance Company’s Motion for Summary Judgment, filed on December 7, 2012, at Docket Number 34-5.

* * *

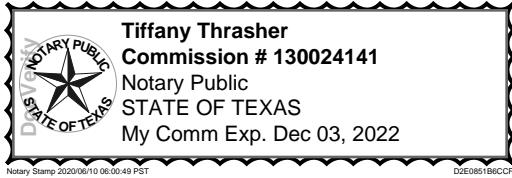


Greg Van Houten

Signed on 2020/06/10 06:00:49 -8:00

Greg Van Houten

SWORN TO AND SUBSCRIBED before me on this 10th day of June 2020.



Signed on 2020/06/10 06:00:49 -8:00

Notary Public in and for the State of Texas

(PERSONALIZED SEAL)

